

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.364 of 2004.

Rajendra Kumar son of Kanhaiya Lal Sharma

Versus

Smt. Ram Kanwar

Date of Order ::: 06/12/2006

Hon'ble Mr. Narendra Kumar Jain, J.

Mr. L.L. Gupta, Counsel for defendant-appellant.

By the Court :

Heard learned counsel for the defendant-appellant.

The plaintiff-respondent filed a suit for permanent injunction in the Lower Court, which was dismissed. However, on an appeal filed by the plaintiff, the First Appellate Court while setting aside the judgment and decree passed by the Lower Court, decreed the suit of the plaintiff. Hence, this

second appeal has been filed on behalf of the defendant.

I have heard learned counsel for the defendant-appellant and after considering his submission in the light of the finding of the First Appellate Court, particularly on Issue No.1, which is the main issue in the present case, I find that the controversial issues involved in the present case relate to the question of facts and there is a finding of fact by the First Appellate Court, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed at the admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.

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